## Remarks

Claims 1, 4, 7, 10, 13 and 14 have been amended.

The Examiner has rejected applicant's claims 1-14 under 35 U.S.C. §103(a) as being

unpatentable over the Sato, et al. (US 6,108,638) patent in view of the Mochizuki (US

6,463,539) patent. Applicant has amended applicant's independent claims 1, 4, 7, 10, 13 and

14, and with respect to such claims, as amended, and their respective dependent claims, the

Examiner's rejection is respectfully traversed.

Applicant's independent claims have been amended to better define

applicant's invention. More particularly, applicant's independent apparatus claim 1 recites

first calculation means for calculating a charge for using application software, which is used

to create and/or edit data by a user operation, a second calculation means for calculating a

charge for using an output device, which outputs the data created and/or edited by the

application software, and a third calculation means for calculating an output charge based on

the calculated charges by said first and second calculation means. Method claim 7 and

storage medium claim 13 have been similarly amended.

Applicant's independent apparatus claim 4, in turn, now recites a charge

calculation apparatus having a first calculation means for calculating a charge for using a

device for inputting or outputting data, a second calculation means for calculating a charge for

using application software to use the device and a third calculation means for calculating a

data processing charge based on the calculated charges by said first and second calculation

means. Method claim 10 and storage medium claim 14 have been similarly amended.

Such constructions are not taught or suggested by the cited Sato, et al. and Mochizuki

patents. In particular, the Sato, et al. patent teaches a system in which barcode data on

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selected products to be purchased is read by an input unit and the price of the products is calculated. The Mochizuki patent discloses a system in which utilization information of the use of software information on a disc is recorded on an IC card and a rental fee to be charged to a user for use of the software information is calculated by reading out the utilization information.

The Examiner has argued that calculating the price of a product in the Sato, et al. patent equates to calculating a charge for the use of application software. The Examiner has also argued that the system in the Mochizuki patent equates to calculating a charge for using a data input/output device. The Examiner states in this regard, "Mochizuki discloses a IC card (IC card or device or computer or processor) that includes a utilization information, and a number of judging points at where reproduction of the information is judged, and a charging information calculated from the degree of software utilization, please note that the software utilization is stored in the IC card." The Examiner then concludes that combining the Mochizuki system with the Sato, et al. system would result in applicant's claimed invention.

Applicant continues to disagree. More particularly, the calculating of a charge for the purchase of a product in the Sato, et al. patent is not believed to satisfy the language of calculating a charge for using application software. Moreover, even though the utilization information is stored on the IC card in the Mochizuki patent, it is clear from the patent that the charge calculation is for the use of the software information on the disk and not for the use of an input/output device, e.g., the IC card.

Thus, the Sato, et al. and the Mochizuki patents, even assuming they could be combined, which applicant also continues to disagree with, simply would not result in a first calculation means for calculating a charge for using application software, which is used to

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create and/or edit data by a user operation, and a second calculation means for calculating a charge for using an output device, which outputs the data created and/or edited by the application software. Finally, they would not result in a third calculation means for calculating an output charge based on the calculated charges by said first and second calculation means. Applicant's independent claims 1, 7 and 13, and their respective dependent claims, all of which recite such features in one form or another, thus patentably distinguish over the Sato, et al. and the Mochizuki patents.
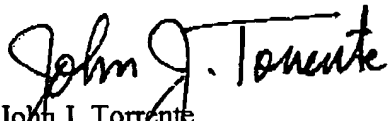
Similarly, the patents would not teach or suggest a first calculation means for calculating a charge for using a device for inputting or outputting data, a second calculation means for calculating a charge for using application software to use the device and a third calculation means for calculating a data processing charge based on the calculated charges by said first and second calculation means, as required in one form or another by applicant's independent claims 4, 10 and 14. Such claims, and their respective dependent claims, thus also patentably distinguish over the Sato, et al. and the Mochizuki patents.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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